VARIANCE JUSTIFICATION STATEMENT

Applicant: Mohamed Abdelfattah

Property Address / Parcel: 337 Perkins Street / 2911-50-6935-000

Zoning District: R-1 (Town of Boone)

The applicant is requesting:

(1) A variance from the maximum accessory structure size limit, and

(2) A placement/setback variance related to the location of the existing carport.

related to an existing open-sided accessory carport structure and its compliance with applicable dimensional requirements (including accessory structure size threshold and/or setback requirements, as applicable).

Existing Structure: Metal, open-sided carport approximately 20' x 35' (~700 sq ft) located on gravel, accessed from a private lot access/right-of-way.

1. Property Background and Site Conditions

The subject property is located on a parcel served by a private right-of-way/lot access rather than frontage on a continuous public street. Perkins Street terminates prior to the subject parcel, and access beyond that termination is provided by a recorded private right-of-way serving Lots 9 and 10, including a circular right-of-way intended to remain open and unobstructed for access and circulation.

The parcel's access configuration and geometry are unique compared to typical R-1 lots that front a public street. The private access alignment and available developable area materially constrain where parking and accessory structures can be reasonably placed while still maintaining safe circulation and emergency access.

The existing carport is open-sided, non-habitable, and used solely for covered vehicle parking. It is not connected to utilities, does not contain enclosed storage or living space, and does not increase the residential use of the property.

(See: recorded right-of-way agreement; boundary/as-built survey; photo documentation.)

2. Findings Required for a Variance (A–D)

A. Unnecessary Hardship Would Result From Strict Application of the Ordinance

Strict application of the dimensional requirements to the existing carport would require removal or substantial reconstruction of an otherwise safe, functional accessory structure that supports necessary residential parking on a parcel with an unusual access arrangement. Due to the parcel's private access configuration, the placement of vehicle-related improvements is more constrained than on typical properties with standard public street frontage.

The carport does not create a public safety hazard, traffic hazard, or right-of-way obstruction. The driveway area in front of the residence and carport provides adequate width and depth for vehicles to maneuver, including emergency vehicles. As documented in the photos, a fire truck or ambulance can access the home and turn around without obstruction. Requiring full removal or major relocation would impose an unnecessary hardship without advancing the purpose or intent of the ordinance.

The carport was installed to provide necessary protection for vehicles in an area subject to severe weather events, including storms and hurricanes, after the applicant experienced prior vehicle losses.

B. The Hardship Results From Conditions Peculiar to the Property (Location / Lot Configuration / Access)

The hardship arises from conditions that are peculiar to this parcel, including:

1. Street termination and private access: Perkins Street terminates before the parcel, and the property is served by a private right-of-way/lot access rather than typical public street frontage.

2. Recorded circular right-of-way: The recorded right-of-way serving Lots 9 and 10 includes a circular right-of-way intended to remain open and unobstructed, which further shapes circulation patterns and where improvements can reasonably be located.

3. Parcel geometry and constrained placement options: The lot configuration and access alignment limit where a covered parking structure can be placed while maintaining safe turning movements and avoiding interference with circulation.

These are not general neighborhood-wide conditions; they are specific to the subject property's recorded access arrangement and physical layout, as shown on the survey and in the right-of-way agreement.

C. The Hardship Did Not Result From Actions Taken by the Applicant (Not Self-Created)

The applicant did not create the underlying hardship. The hardship stems from the parcel's pre-existing and recorded access configuration (private right-of-way and circular access) and the resulting constraints on siting accessory parking structures.

The existing carport was installed in good faith to provide covered parking and reduce storm exposure to vehicles on a parcel that relies on private access and requires functional vehicle circulation and turnaround space. When notified by Town staff, the applicant promptly engaged with the Town to identify a compliant path forward, including the variance process and/or modification options. The applicant is not seeking to intensify the use of the property, expand a nonconformity, or change any permitted use.

D. The Requested Variance Is Consistent With the Spirit, Purpose, and Intent of the Ordinance

Granting the requested variance is consistent with the ordinance's purpose and intent because it preserves public safety, maintains neighborhood compatibility, and achieves substantial justice.

- Public safety and access: The private lot access and open gravel area provide adequate circulation and turnaround space for emergency vehicles. The carport does not block access routes or create a safety hazard.
- No public streetscape impact: The carport does not front a continuing public street and does not encroach into a public right-of-way. Access is via the privately maintained right-of-way documented in the recorded agreement.
- Neighborhood compatibility: The structure is open-sided and visually modest. It is located along a fence line and buffered by existing vegetation, and it does not negatively impact neighboring properties.
- No intensification of use: The structure is strictly for vehicle parking and does not add dwelling units, habitable space, or commercial use.

For these reasons, the requested relief is consistent with the spirit and intent of the zoning ordinance and secures public safety while achieving substantial justice.

3. Supporting Exhibits (Attached)

- **Exhibit A: Photo Documentation (6 photos with captions)**
- **Exhibit B: Boundary / As-Built Survey Showing Carport Location**
- **Exhibit C: Recorded Right-of-Way / Private Lot Access Agreement (Lots 9 & 10)**

4. Conclusion

The applicant respectfully requests approval of the variance(s). The request satisfies each of the required findings: an unnecessary hardship would result from strict application of dimensional requirements; the hardship arises from unique, property-specific access and configuration conditions; it is not self-created; and approval would remain consistent with public safety and the intent of the ordinance.

Respectfully submitted,

Mohamed Abdelfattah
(828) 719-8463
moconsultingcorp@gmail.com
02/23/2026

Photo documentation existing carport and access conditions

Private Lot Access and Vehicle Turnaround

This photo shows the private lot access and open gravel area serving the property. The front of the residence is located to the right of the image, and the carport is positioned in the center of the image along the fence line separating the subject property from the adjacent lot. The open space in front of the residence and carport provides sufficient width and depth to allow emergency vehicles, including fire trucks and ambulances, to safely access the property and complete turnaround maneuvers. The carport's location and orientation are designed to accommodate vehicle circulation without obstructing access.

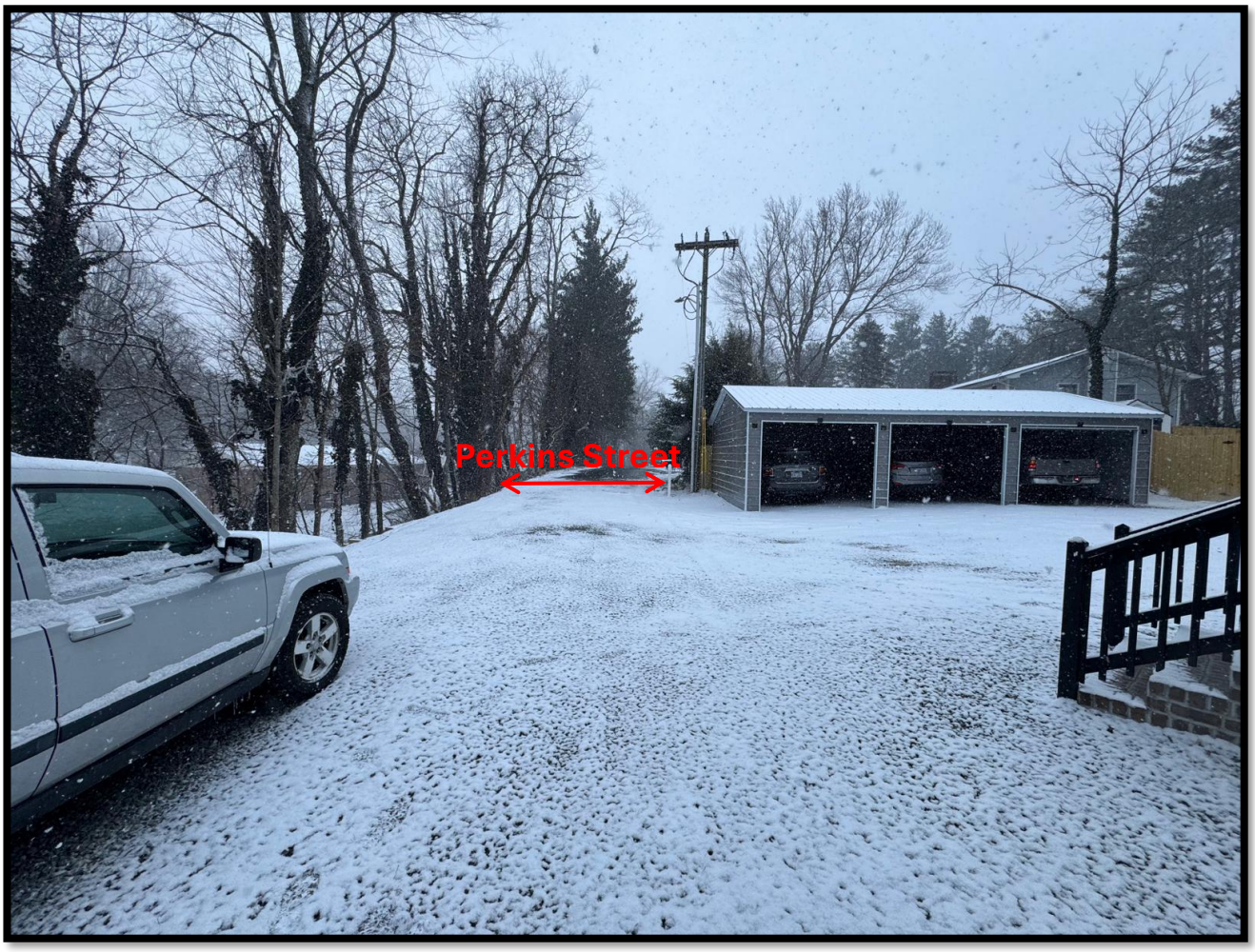
Supports: Public safety, emergency access, circulation (Finding 6.03.07 D)



To the right of the picture is the carport and to the left of the picture is Perkins Street that ends at red arrow.

This photo shows the private lot access and open gravel area in front of the carport. The width and depth of this area allow full access and safe turnaround for emergency vehicles, including fire trucks and ambulances, without obstruction.

Supports: Public safety, circulation, Finding 6.03.07 D



This photo shows the termination of Perkins Street prior to the subject property. Beyond this point, access is provided by a private lot access rather than a public street. There is no curb, sidewalk, or continuation of public roadway serving the carport.

Supports: Private access argument, Finding 6.03.07 B



This photo shows the fence line and existing vegetation between the carport and the adjacent property. The structure is visually buffered and does not negatively impact neighboring properties.

Supports: Compatibility, neighborhood impact, Finding 6.03.07 D



Interior View of Open Carport Structure

This interior view confirms that the carport is fully open, non-enclosed, and not designed for occupancy or storage beyond vehicle parking. The lights used are solar lights, and it has no utilities, The structure does not intensify use of the property.

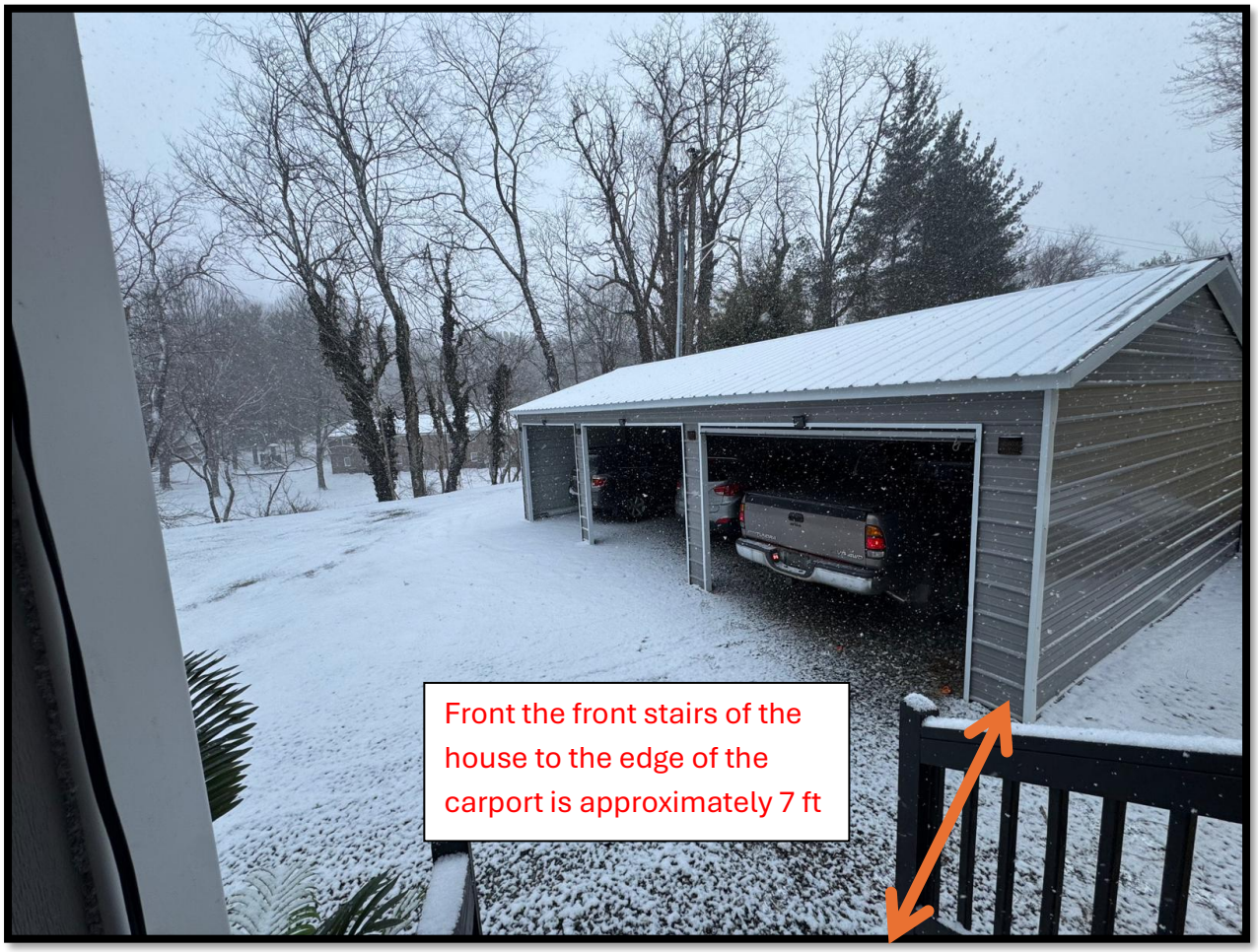
Supports: No intensification, Finding 6.03.07 C&D



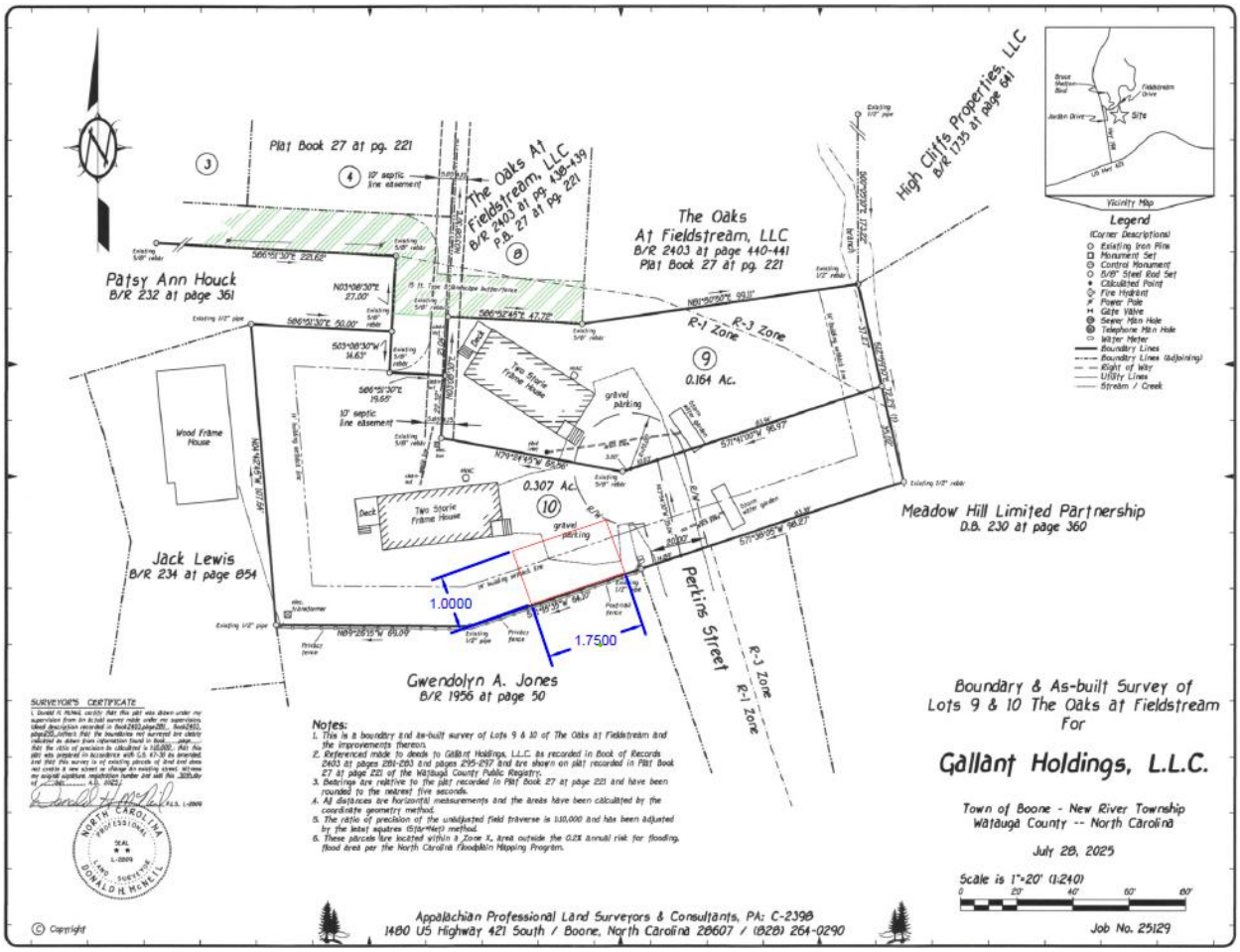
View Toward Carport from Private Access

This view illustrates the relationship between private access and the carport location. The carport is situated at the end of the private access and does not have a public street, consistent with the parcel's unique access configuration.

Supports: Unique lot conditions, Finding 6.03.07 B

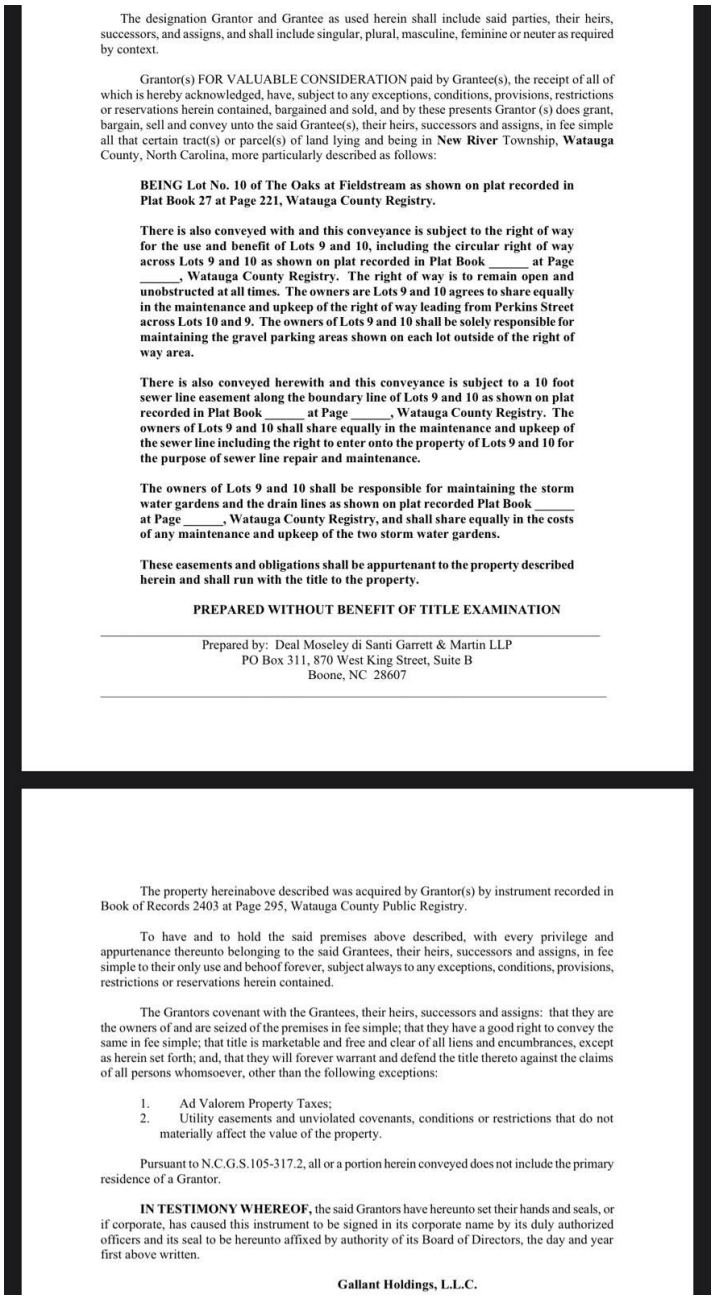


This survey identifies the location of the existing carport relative to the property boundaries and the private lot access serving the parcel. As shown, Perkins Street terminates prior to the property, and access beyond that point is provided by a private access drive rather than a public street. The carport is located entirely within the parcel and is accessed solely from the private lot of access, not from a public right-of-way.



The attached right-of-way agreement documents that access beyond Perkins Street is provided by a private, shared right-of-way and not a public street.

This recorded right-of-way agreement confirms that access to the property is provided by a private right-of-way serving Lots 9 and 10, including a circular right-of-way designed to remain open and unobstructed at all times. The agreement establishes that the right-of-way is privately maintained and is not a public street or public right-of-way. Access to the property extends from Perkins Street via this private right-of-way.



The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

Grantor(s) FOR VALUABLE CONSIDERATION paid by Grantee(s), the receipt of all of which is hereby acknowledged, have, subject to any exceptions, conditions, provisions, restrictions or reservations herein contained, bargained and sold, and by these presents Grantor (s) does grant, bargain, sell and convey unto the said Grantee(s), their heirs, successors and assigns, in fee simple all that certain tract(s) or parcel(s) of land lying and being in **New River** Township, **Watauga** County, North Carolina, more particularly described as follows:

BEING Lot No. 10 of The Oaks at Fieldstream as shown on plat recorded in Plat Book 27 at Page 221, Watauga County Registry.

There is also conveyed with and this conveyance is subject to the right of way for the use and benefit of Lots 9 and 10, including the circular right of way across Lots 9 and 10 as shown on plat recorded in Plat Book _____ at Page _____, Watauga County Registry. The right of way is to remain open and unobstructed at all times. The owners are Lots 9 and 10 agrees to share equally in the maintenance and upkeep of the right of way leading from Perkins Street across Lots 10 and 9. The owners of Lots 9 and 10 shall be solely responsible for maintaining the gravel parking areas shown on each lot outside of the right of way area.

There is also conveyed herewith and this conveyance is subject to a 10 foot sewer line easement along the boundary line of Lots 9 and 10 as shown on plat recorded in Plat Book _____ at Page _____, Watauga County Registry. The owners of Lots 9 and 10 shall share equally in the maintenance and upkeep of the sewer line including the right to enter onto the property of Lots 9 and 10 for the purpose of sewer line repair and maintenance.

The owners of Lots 9 and 10 shall be responsible for maintaining the storm water gardens and the drain lines as shown on plat recorded Plat Book _____ at Page _____, Watauga County Registry, and shall share equally in the costs of any maintenance and upkeep of the two storm water gardens.

These easements and obligations shall be appurtenant to the property described herein and shall run with the title to the property.

PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION

Prepared by: Deal Moseley di Santi Garrett & Martin LLP
PO Box 311, 870 West King Street, Suite B
Boone, NC 28607

The property hereinabove described was acquired by Grantor(s) by instrument recorded in Book of Records 2403 at Page 295, Watauga County Public Registry.

To have and to hold the said premises above described, with every privilege and appurtenance thereunto belonging to the said Grantees, their heirs, successors and assigns, in fee simple to their only use and behoof forever, subject always to any exceptions, conditions, provisions, restrictions or reservations herein contained.

The Grantors covenant with the Grantees, their heirs, successors and assigns: that they are the owners of and are seized of the premises in fee simple; that they have a good right to convey the same in fee simple; that title is marketable and free and clear of all liens and encumbrances, except as herein set forth; and, that they will forever warrant and defend the title thereto against the claims of all persons whomsoever, other than the following exceptions:

1. Ad Valorem Property Taxes;
2. Utility easements and unviolated covenants, conditions or restrictions that do not materially affect the value of the property.

Pursuant to N.C.G.S.105-317.2, all or a portion herein conveyed does not include the primary residence of a Grantor.

IN TESTIMONY WHEREOF, the said Grantors have hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Gallant Holdings, L.L.C.

Contract # ODR-000179

UNIVERSAL METAL STRUCTURES

Physical:
535 E. Pine St.
Mount Airy, NC. 27030
N
Mailing:
P.O. Box 88
Toast, NC. 27049

STANDARD ORDER FORM

UMS DEALER	Ark Custom Builders - Brian Killian
PHONE #	(336) 262-3113
ORDER DATE	10/01/2025

CUSTOMER INFORMATION

Permit Required? Yes ✓ NO

Name	Mohamed Abdelfattah	County	Watauga	Permit Number	
Install Address	337 Perkins Street	City	Boone	State NC	Zip Code 28607
Mailing Address	337 Perkins Street	City	Boone	State NC	Zip Code 28607
Primary #	(828) 719-8463	Primary #	(828) 719-8463	Email	mohamedmagdy424@gmail.com

UNIT INFO - ROOF LENGHT IS 1' LONGER THAN THE BASE RAIL ON THE GROUND

20	36	35	10	14
WIDTH	ROOF LENGTH	BASE LENGTH	HEIGHT	GAUGE

A-Frame ☐ 

A-Frame Vertical ✓ 

COLORS

ROOF	Black	SIDES/ENDS	Pewter Gray	GABLE	Pewter Gray	TRIM	White
TWO-TONE TOP		TWO-TONE BOTTOM					

INSTALLATION SURFACE

CONCRETE ✓ GROUND ☐ ASPHALT ☐ OTHER (SPECIFY) ☐

DESCRIPTION

DESCRIPTION	QTY	PRICE
20X35' A- Frame Vertical Roof (Roof 36' | Ga : 14 | 3/12' Roof Pitch)	1	$4,165.00
10' Height (5ft on center)	1	$610.00
140 MPH + 35 PSF Certified	1	$0.00
Ends - Closed | Horizontal	2	$2,760.00
Sides - Closed | Horizontal	2	$1,140.00
Right - 10x8' Garage Door Frameout (Roll-Up)	3	$555.00
Colored Screws	1	$0.00
Dealer Discount	1	($61.00)
Manufacturer Discount (Fall Into Savings!)	1	($2,769.00)
Permit Required : Yes		

ALL ORDERS ARE C.O.D.

RETAIL PRICE $6,461.00

TAX 0% $0.00

SUBTOTAL $6,461.00

DOWN PAYMENT 16.42% $1,000.00

TOTAL $6,461.00

ADDITIONAL FEES Labor/Trip $0 / $0

BALANCE DUE $5,400.00

BALANCE DUE UPON ARRIVAL

PAMENT METHOD

Cash ✓ Money Order ☐

Cashier's Check ☐

Debit/ Credit Card 2.5% ☐

INSTALLATION CHECKLIST

Is Site Ready? Yes ☐ NO ☐ Site Ready Date

Power Available? Yes ☐ NO ☐ 3ft. Clearance? Yes ☐ NO ☐ Utilities Marked? Yes ☐ NO ☐ Is Site Level? Yes ☐ NO ☐

Terms & Contitions (See reverse for full agreement)

Prices do not include site leveling, grading, and foundation preparation. Sites that are not level and not prepared will be installed as is at the descretion of our independant contractor on site. Job site must be level. We will contact you, 1-5 days before installation. Universal Metal Buildings has the right to correct any pricing and sales tax errors. Retail price is valid for one year.

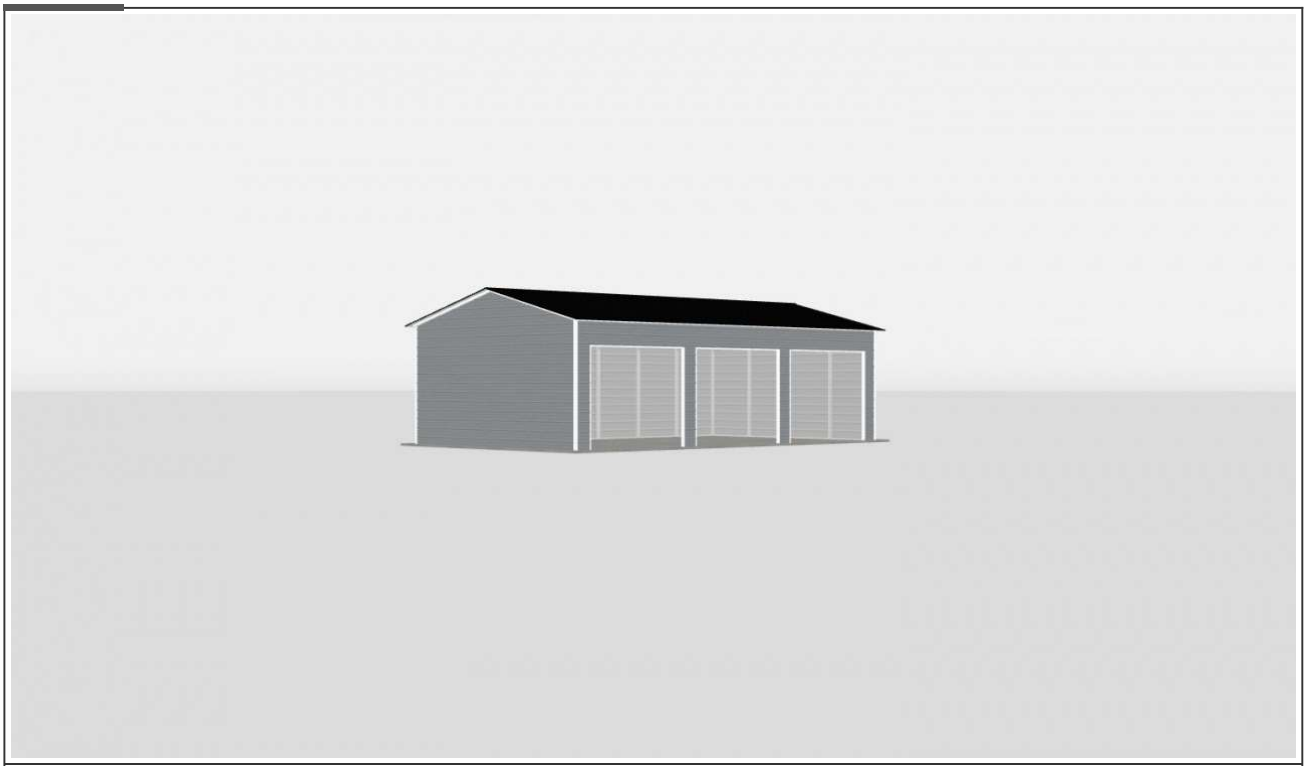
NOTES

Customer is paying cash, customer opted out of the $300.00 generic drawings.

Customer Signature

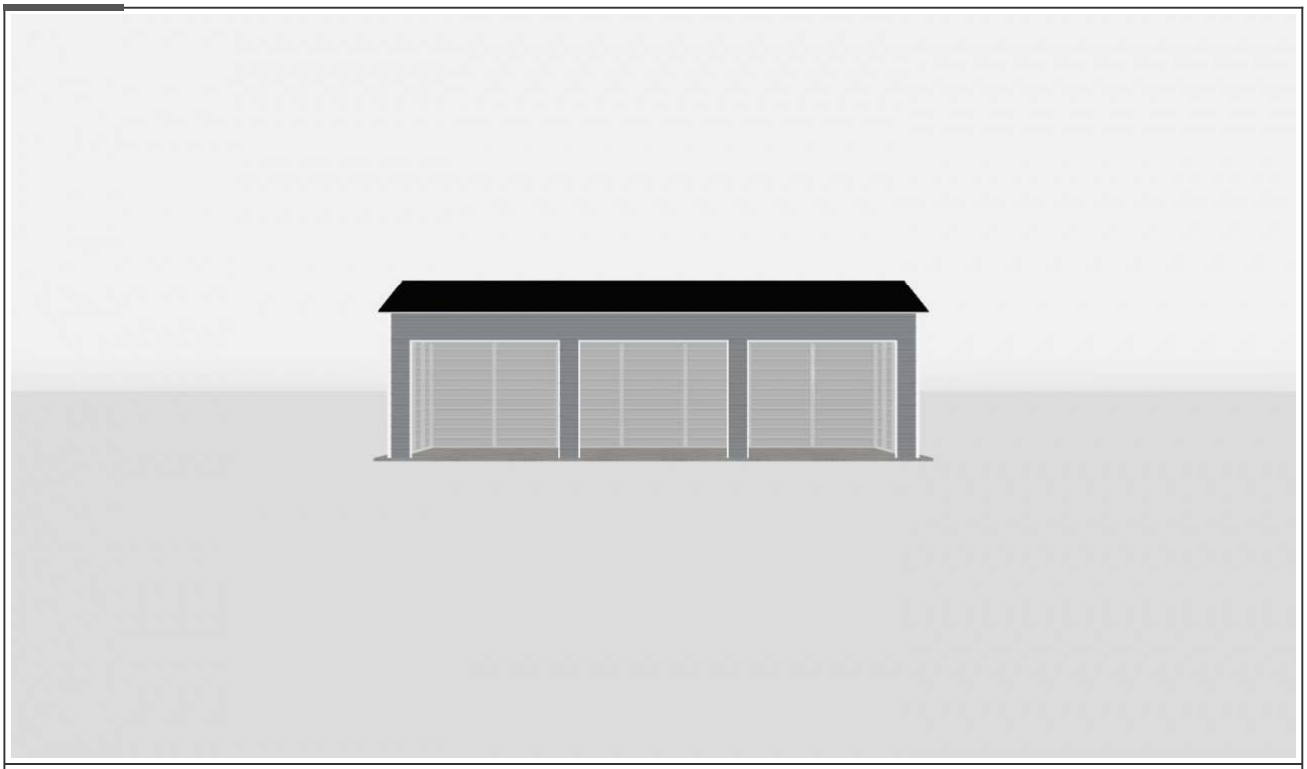
Dealer Signature

BUILDING VIEW



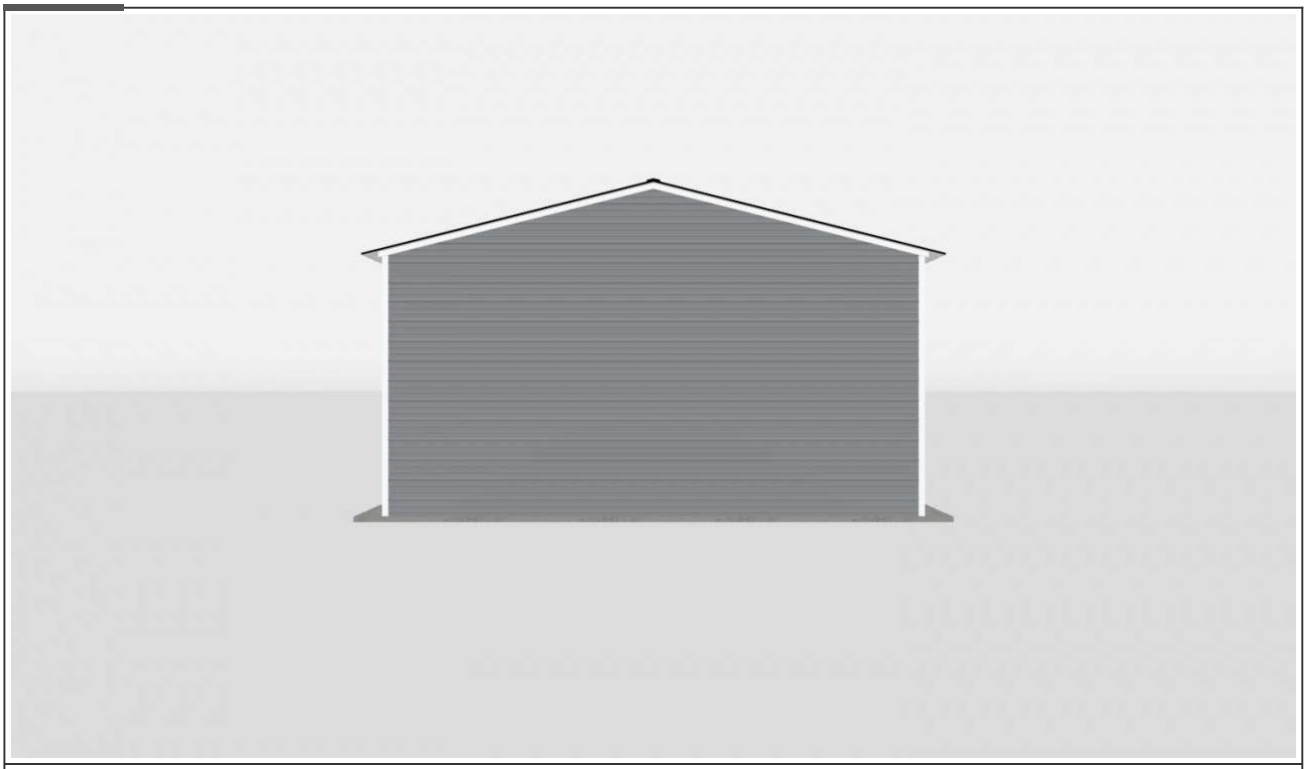
FRONT

BUILDING VIEW



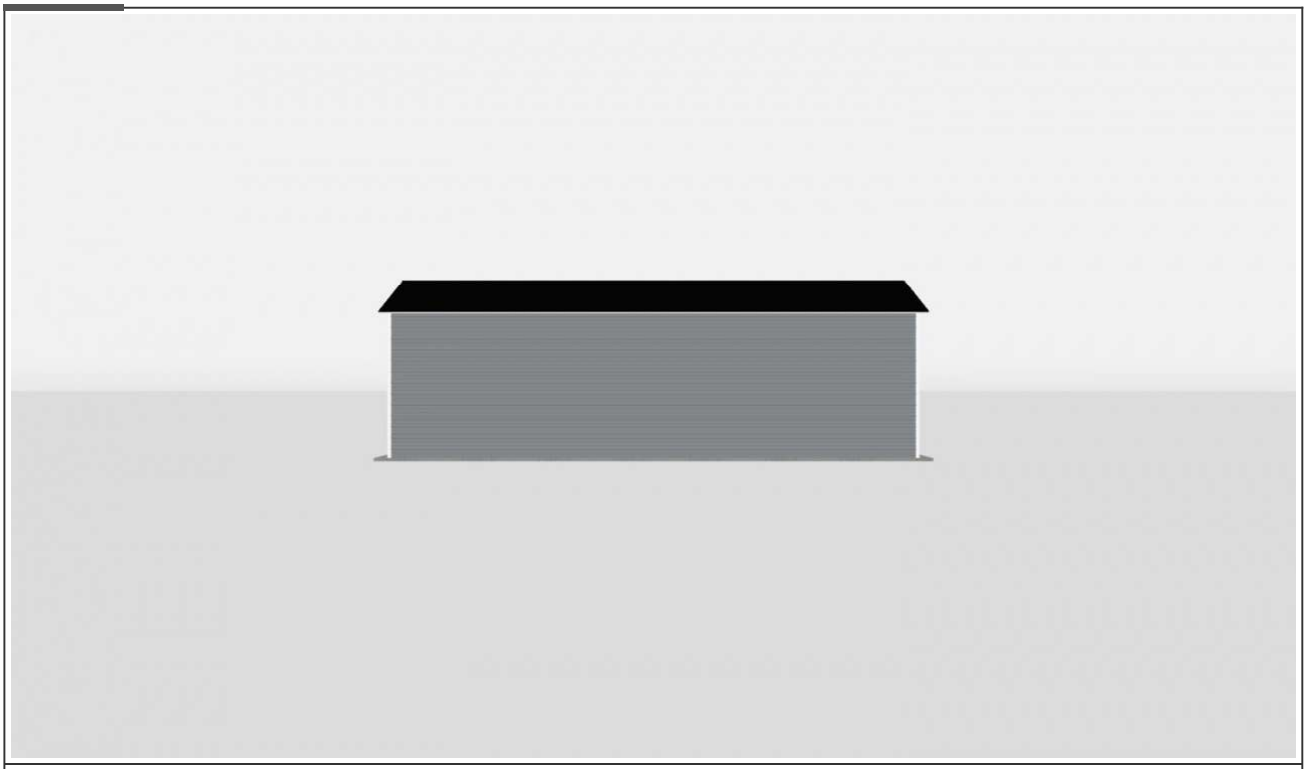
RIGHT

BUILDING VIEW



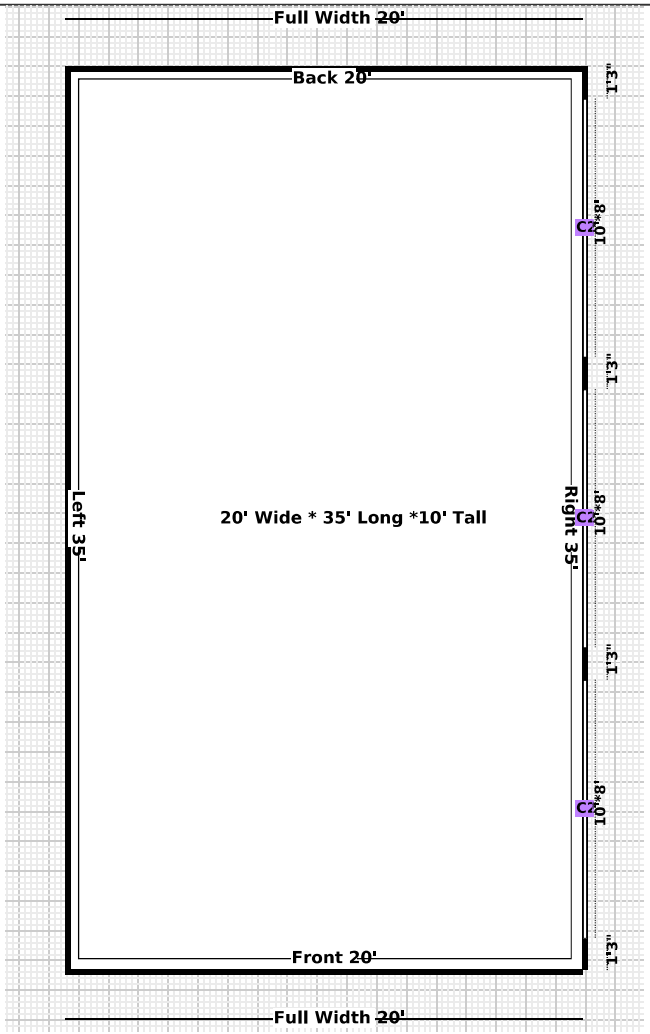
BACK

BUILDING VIEW



LEFT

2D DRAWING-1



LEGENDS

C1 Garage Door | C2 Garage Door Frameout | C3 Walk in Door | C4 Walk in Door Frameout | C5 Windows | C6 Windows Frameout | C7 Open Wall

C8 Close Wall | C9 Distance | C10 Storage Length (Utility) | C Cupola